

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 18-cv-10737

**MARILYN BARRESI, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
STEPHANIE MCMAHON**

Plaintiff,

V.

**CITY OF BOSTON
Defendant.**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, the Defendant, City of Boston (“Defendant”), hereby petitions for the removal of the action entitled Marilyn Barresi, Personal Representative of the Estate of Stephanie McMahon v. City of Boston, Docket No. 1784-CV-3692, from the Suffolk Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, where it is currently pending.

As reasons for this petition, the Defendant states as follows:

1. This action, brought pursuant to 42 U.S.C. § 1983, alleges *inter alia*, that the City of Boston, through its employees, violated Stephanie McMahon’s civil rights under the United States Constitution. Specifically, Plaintiff alleges that the Defendant violated Stephanie McMahon’s due process rights. (See Plaintiff’s Amended Complaint, attached hereto as Exhibit 1).
2. The Plaintiff’s claims for relief clearly arise under the Constitution, treaties or laws of the United States and therefore is subject to removal under 28 U.S.C. § 1441(b).

3. A fair reading of the facts and theories as a whole makes it apparent that federal constitutional law and issues are essential to this case and therefore the Defendant has a statutory right to remove this action.
4. This Notice of Removal is being filed within thirty days after the City of Boston was served with the Plaintiff's Amended Complaint.¹ The City of Boston was served with Plaintiff's Amended Complaint on April 11, 2018.
5. The City of Boston is the only Defendant in this matter.
6. The Defendant's Civil Action Cover Sheet is attached hereto as Exhibit 2.
7. The Defendant's Category Sheet is attached hereto as Exhibit 3.

Respectfully submitted,
DEFENDANT, CITY OF BOSTON

By its attorneys,

Eugene L. O'Flaherty
Corporation Counsel

/s/ Nicole M. O'Connor
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Date: April 17, 2018

¹ Plaintiff's original complaint, served on or about January 11, 2018, did not allege any federal claims. Plaintiff amended her complaint on April 11, 2018 and added, for the first time, a federal claim.

CERTIFICATE OF SERVICE

I, Nicole M. O'Connor, hereby certify that on this date I served a copy of the foregoing document via mail to counsel for the Plaintiff:

Danilo A. Avalon, Esq.
Avalon Law Offices, P.C.
612 Columbia Road
Boston, MA 02125

Date: April 17, 2018

/s/ Nicole M. O'Connor
Nicole M. O'Connor